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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/601,997

06/23/2003

Toshiyuki Ito

4041J-000728

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EXAMINER

SMITS, TALIVALDIS IVARS

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

08/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------------------|----------------------------|--|
| Office Action Summary | Application No. 10/601,997 | Applicant(s) ITO ET AL. | |
| | Examiner Talivaldis Ivars Smits | Art Unit 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9 and 11-13 is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action of 2/7/2007, applicant has submitted an Amendment, filed 4/30/2007, amending claims 1, 2 and 4-10, adding new claims 11-14, and arguing for the allowability of the amended claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per independent claims 1 and 5, they are self-contradictory because they recite "adjusting a sound characteristic of the communication network prior to providing communication from the communication terminal to the voice recognition server", even though a first voice signal has **already** been transmitted to the voice recognition server.

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Dependent claims 2-4 and 6 are rejected because they do not cure this deficiency.

5. Claim 5 is also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim is a single-means claim.

Allowable Subject Matter

6. Claims 7-9 and 11-13 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance:

Independent claims 7-9 and 11 are allowed because they recite a speech (voice) recognition server receiving a voice signal from a communication terminal and transmitting back thereto adjustment data representing a sound characteristic of the communication network therebetween, said adjustment data being based on analysis of a loop-back signal sent from the server to the terminal and then back to the server, which adjustment data are used at the terminal to adjust a sound characteristic of the communication network.

The closest prior art of record, Sato, does not teach adjusting a sound characteristic of a communication network at a communication terminal based on adjustment data sent from a speech recognition server based on the analysis of a loop-back signal sent from the server to the terminal, said signal in turn based on the recognition of a voice signal sent from the terminal. Sato teaches only sending back adjustment data from a server based on the original signal received from the communication terminal.

Claims 9 and 12-13 are allowed because they further limit their respective independent claims.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fumiaki Sato (JP 2000-286762), for reasons already given in the JPO Office Action of 11/30/2005, which, paraphrasing the ET, state that:

Sato discloses a communication system in which a quality-estimating signal transmitted from a communication terminal to a server is generated, and distortion-correction information is generated at the server based on the quality-estimating signal. This distortion-correction information is then transmitted to the communication terminal, in order to correct and transmit data therefrom based on the correction information.

The examiner takes Official Notice that it is notoriously well-known to transmit a voice signal over a network to a server and to have a speech recognizer in the server. Thus it would have been obvious for one of ordinary skill at the time of invention to modify Sato's system for a server having a speech recognizer and receiving speech data from a communication terminal, to enable more accurate speech recognition at the server.

Conclusion

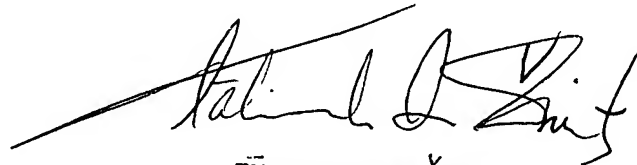
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Talivaldis Ivars Smits whose telephone number is 571-272-7628. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/27/2007



TĀLIVALDIS NĀRS ŠMITS
PRIMARY EXAMINER